

REMARKS

This communication is in response to the Office Action mailed on April 27, 2009 in which claims 3, 6, 23, 25, 26 and 28 were rejected.

The office action indicated that claims 7-13, 15-17, and 29-31 were allowed, which is noted with depreciation.

With this response, claims 3, 6, 23, and 25 have been amended. Claims 3, 6-13, 15-17, 23, and 25-31 remain pending in the application and are presented for consideration and allowance.

Rejections under 35 U.S.C. §§ 102 and 103

Claim 3 was rejected under 35 U.S.C. § 102(b) as anticipated by Massalsky, DE 585,360 ("Massalsky").

Massalsky discloses a vaginal irrigation device including a controller h, a suction tube n, an outlet tube p, and a conduit g communicating between an inflatable device d that is insertable into the vagina and the controller h. It is believed that the controller h includes an inlet position in which liquid travels through suction tube n and into the controller h and an outlet position in which liquid travels from the vagina through the conduit g and back into the controller h.

With this response, independent claim 3 has been amended to require a conduit including a first part connecting the control unit with the probe and comprising at least one back-flow valve configured to enable a one-way flow of liquid from the control unit to the probe that is characterized by denying a flow of the liquid from the probe to the control unit. Support for the language of amended independent claim 3 is located in the application as filed at least at paragraph 0046 as evidenced in its published application US pub number 2006/012-9135.

It is believed that the function of Massalsky ultimately encourages a flow of liquid through the conduit g from the inflatable device d inserted in the vagina back to the controller h to facilitate an ameliorating action. In addition, to the extent that element k in Massalsky is a valve, valve k either shuts off flow or enables flow to controller h, and

thus valve k fails to at least enable a one-way flow of liquid from the control unit to the probe.

Thus, it is believed that amended independent claim 3 is not anticipated by Massalsky, and that modifying Massalsky to include elements of amended independent claim 3 would render Massalsky unsatisfactory for its intended purpose, such that modifications to Massalsky would fail to render amended independent claim 3 as obvious.

Claim 6 was rejected under 35 U.S.C. § 102(b) as anticipated by Massalsky. With this response, independent claims 6 has been amended to require that the system comprises at least one back-flow valve configured to continuously prevent a flow of liquid from the probe to the control unit. For all of the above reasons, it is believed that amended independent claim 6 is not anticipated by Massalsky, and that modifying Massalsky to include elements of amended independent claim 6 would render Massalsky unsatisfactory for its intended purpose, such that modifications to Massalsky would fail to render amended independent claim 6 as obvious.

With this response, claims 23 and 25 been amended two further define patently distinct amended independent claim 3, such that claim 26 further defines amended claim 23 and claim 28 further defines amended claim 25. Since claims 23, 25-26, and 28 were all rejected based on Massalsky, it is believed that the amendments to these claims obviate the rejections under Massalsky.

Thus, it is respectfully requested that the rejections to claims 3, 6, 23, 25-26, and 28 be withdrawn.

Applicants : Moeller-Jensen et al.
Serial No. : 10/520,936
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Page : 10 of 10

Attorney Docket No.: 2002010-US

CONCLUSION

Applicant respectfully asserts that the pending claims 3, 6-13, 15-17, 23, and 25-31 are in condition for allowance and notice of the same is respectfully requested. Should issues remain outstanding, the Examiner is respectfully urged to telephone the undersigned. No additional fees are believed due at this time. However, the office is authorized to charge any fees actually due and credit any overpayment to deposit account 50-4439.

Respectfully submitted,
Moeller-Jensen et al.

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/Nick Baumann/
Nick Baumann, Reg. No. 56,161
Coloplast Corp., Coloplast A/S
Customer No. 69289
Telephone: (612) 287-4178